

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

GLEN O. MITCHELL,

)

4:08CV3230

Plaintiff,

)

vs.

)

MEMORANDUM AND ORDER

MICHAEL J. ASTRUE,

)

Commissioner of Social Security,

)

Defendant.

)

This matter is before the Court on the Defendant's motion to reverse and remand (Filing No. 23).

The Commissioner requests an order and final judgment reversing the decision of the Administrative Law Judge ("ALJ") and remanding this case to the ALJ under sentence four of Section 205(g), 42 U.S.C. § 405(g). Counsel for the Commissioner represented that, upon agency counsel's request, the Appeals Council reconsidered the case and determined that a remand was appropriate. Remand under sentence four of section 405(g) is requested to allow the ALJ the opportunity to reevaluate "the evidence regarding the Plaintiff's handling and fingering abilities and then incorporate into the RFC assessment any credible handling and fingering limitations." (Filing No. 23.) It will then be necessary to hear supplemental vocational expert testimony based on the reconsidered RFC assessment. (Filing No. 23.)

IT IS ORDERED:

1. The Defendant's motion to remand (Filing No. 23) is granted;
2. The decision of the ALJ is reversed;

3. This action is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Memorandum and Order; and
4. Judgment will be entered in a separate document.

DATED this 21st day of May, 2009.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge